

The image features two red lanterns in the foreground, one in sharp focus and one slightly blurred in the background. They are set against a vibrant, abstract background of blue, yellow, and green shapes, possibly representing a playground or a modern architectural structure. The overall aesthetic is bright and energetic.

# DISPUTE RESOLUTION OUR LATIN AMERICA PRACTICE

Clear guidance through the issues and risks



EVERYTHING MATTERS

# THE DIRECTION YOU NEED

Cross-border disputes are increasingly common, involving different cultures, legal systems and business concepts. They are often complex, time consuming and costly. Our approach is to reduce the uncertainties involved in these disputes through innovative dispute resolution strategies and effective case management.

Our leading global dispute resolution practice is one of the world's largest, with more than 1,400 lawyers across the globe. Our team are skilled in all methods of dispute resolution including litigation, international arbitration, mediation and expert determination. All of our lawyers are trained in alternative dispute resolution ("ADR") and will advise from the outset the most appropriate method of resolving a dispute.

## **LATIN AMERICA CAPABILITIES**

Through our well-established Latin America practice, DLA Piper assists clients with sophisticated cross-border disputes and handles matters in virtually every country in the region. The key in all these matters is our ability to think strategically, act efficiently and deliver results for our clients.

We are committed to an organized approach to delivering seamless legal solutions and we have handled significant disputes arising in a broad range of sectors throughout Latin America.

We have recently increased our global reach by opening an office in Miami. An influx of capital and investments flowing through the city to countries in Latin America have created an ideal venue both for international arbitration and business deals relating to the region.

Strategic relationships with local counsel and political and business leaders enhance our understanding of the region and enable us to provide our clients practical and meaningful legal advice.

## **BRAZIL: CAMPOS MELLO ADVOGADOS**

In 2010, DLA Piper established a cooperation agreement with Brazilian firm Campos Mello Advogados to serve clients in Brazil. The agreement enables Campos Mello Advogados and DLA Piper to collaborate closely to serve clients around the globe. With lawyers experienced in dispute resolution as well as corporate, finance, real estate, and tax matters, Campos Mello Advogados operates in both São Paulo and Rio de Janeiro.

## **VENEZUELA: DLA INTERJURIS ABOGADOS**

In 2011, DLA Piper entered into an agreement with InterJuris Abogados S.C. to establish a presence in Caracas, where the firm operates as DLA InterJuris Abogados. InterJuris serves diverse clients based in the United States, Europe, Asia and Latin America that engage in business in Venezuela, matching and complementing our global platform. This alliance offers clients the full range of dispute resolution and transactional legal services.

## **MEXICO: MARGÁIN ABOGADOS S.C.**

DLA Piper has established a consulting and services agreement with Margáin Abogados S.C. in Monterrey, Mexico. Monterrey is the center of Mexican industry and technology and the home of many of Mexico's most prominent multinational, national and mid-market companies. Our agreement enables clients to leverage both the local capabilities of Margáin Abogados and the global capabilities of DLA Piper in connection with international matters.

We also have long standing relationships with local law firms in many other countries across Latin America.



## THE RIGHT TEAM

From our experience we know that chemistry and a good personal relationship are important factors when instructing external lawyers.

- Our international team has a full understanding of local requirements and a perspective that spans borders. Each jurisdiction presents distinct legal, regulatory, linguistic and cultural variations. We offer professionals with the right cultural skills and legal experience. Many members of our team are native Spanish or Portuguese speakers and were trained and/or educated in Latin America

- We place emphasis on partner involvement and take the time to build relationships so we can add value to your business
- You need outcomes that are aligned to your commercial objectives. We work to understand your needs in each and every case
- We understand the importance to our clients of maintaining confidentiality over their business activities and work in partnership with them to ensure that confidentiality is respected in their business disputes

## CROSS-BORDER DISPUTE RESOLUTION EXPERIENCE

When disputes arise, it is important to get on top of the problem quickly.

- We regularly handle technically challenging and multi-jurisdictional matters and work extensively in emerging markets
- Our Latin America dispute resolution team includes local lawyers with the local strength and knowledge to advise on specific legal, cultural and procedural issues to support the needs of both local and international clients. Our lawyers outside of Latin America also have significant experience advising on disputes in the region

- Our international offices allow us to provide clients with a fully integrated team and consistent quality across all jurisdictions, whether dealing with litigation, commercial arbitration or treaty arbitration disputes
- We are instructed by some of the largest global institutions in relation to their most complex, high-profile and sensitive disputes
- Our “big case” experience means that we are well-placed to manage large and multi-disciplinary teams

## INNOVATIVE SOLUTIONS

You want innovative solutions to your most complex problems.

- Our award winning team is skilled in litigation, arbitration and ADR and will advise from the outset on the most appropriate method of resolving a dispute
- We aim to solve complex business disputes as swiftly and effectively as possible and provide solutions which correspond to your business needs
- We use leading-edge technology to manage disputes efficiently and to deal with case management challenges including disclosure exercises

## EXAMPLES OF OUR DISPUTE RESOLUTION WORK IN LATIN AMERICA

We have represented clients in a wide range of disputes across various sectors and industries, including the following:

### Energy

- Represented a leading provider of natural gas services and the largest pipeline company in North America in litigation resulting from proceedings conducted in the Dominican Republic and a related ICC arbitration
- Advised a Spanish engineering and energy company in connection with a trade dispute with Brazilian producers of bioethanol
- Represented a power company (part of a Japanese conglomerate) in an arbitration under the AAA rules arising out of the construction of a power plant in Colombia.
- Represented a Brazilian energy company in a dispute regarding a \$2 billion project in the Gulf of Mexico
- Represented a Venezuelan petrochemical company in a LCIA arbitration against a British reinsurer
- Represented a consortium of owners of a crude oil up-grader in Venezuela in two ICC arbitration proceedings arising out of the failure of the contractor to meet the Mechanical Completion Date
- Advised a French energy group concerning a dispute related to a power plant in Panama
- Represented Salvadorean government-owned energy companies in an ICC arbitration with a European multinational concerning a shareholder dispute in respect of control of geothermal energy resources and operations
- Advised a major Spanish-Argentinean energy group in connection with a dispute against Argentinean public authorities over a multi-million US dollar fine with regard to retail distribution of natural gas by an Argentinean subsidiary
- Represented a Thai refinery against a Chilean mining company in an ICDR arbitration in New York.
- Acted for reinsurers of a global resources company's captive insurer in respect of a \$500 million insured loss to a joint venture in Peru relating to property damage, mechanical breakdown and business interruptions

### Construction

- Represented a concessionaire in the Dominican Republic (with Spanish and US shareholders) in an ICC arbitration against the Dominican Republic involving the construction of a toll road
- Represented a Mexican toll road operator in an ad hoc arbitration brought by certain of the company's bondholders
- Represented a US real estate developer in an ICC arbitration regarding the development of a resort in Mexico
- Represented a US real estate developer in an ICDR arbitration in Mexico
- Represented a Peruvian development company against a multinational engineering company in an ICC arbitration in Lima, Peru concerning the construction of a hotel and casino
- Represented Mexican investors in a dispute related to the construction of an airport in Mexico



### Banking and Finance

- Represented a major Spanish financial institution in AAA arbitration in a multi-million US dollar dispute against an Argentinean investor in connection with investment in the B2B Internet sector in Latin America and Spain
- Represented two Colombian insurance companies against their (predominantly London Market) reinsurers in an ICC arbitration regarding a bankers' blanket bond claim against a major Colombian financial institution
- Represented a Mexican investment firm in claims against a New York bank in connection

with the development and financing of a hotel in Mexico

- Advised a Fortune 100 company in a dispute over its interest in the income generated in the largest private investment to date in El Salvador

### Aviation

- Represented a Guatemala-owned airline in a petition for remission and mitigation of penalty
- Advised IATA in connection with bankruptcy proceedings in Spain of Spanish airlines operating routes with major Latin American international airports
- Advised on mediation in relation to passenger/beneficiary claims arising from seven fatal air incidents in Latin American jurisdictions
- Represented four Latin American airlines in relation to personal injury and airside property damage claims
- Represented an Ecuadorian passenger airline in a dispute with US and foreign companies concerning the leasing of two 737 aircraft
- Represented a Brazilian cargo airline in multiple litigations proceedings with US parties

### Insurance/Reinsurance

- Acted for leading London, European and US reinsurers in a \$500 million claim in respect of a significant Machinery Breakdown loss at a copper, zinc and molybdenum mine in Peru
- Advised major French reinsurer on claims handling and coverage issues arising from machinery breakdown in major hydro-electric plant in Ecuador
- Acted for leading Colombian insurers in ICC arbitration arising from a \$300 million reinsurance dispute relating to claims potentially involving the Colombian central bank
- Acted for leading Mexican insurers in a reinsurance dispute arising from claims in connection with privatization of Mexican railways
- Advised Venezuelan insurers in relation to a reinsurance dispute arising from a disputed cash in transit claim on Bankers' Blanket Bond policy

## IT and Telecoms

- Represented a software developer in an ICC arbitration claim for breach of contract against a Chilean department store chain
- Advised a major Venezuelan telecommunications operator before Venezuelan telecommunications regulatory authorities in a dispute over interconnection rates
- Represented Spanish purchasers of Latin American telecommunications infrastructure interests in multi-jurisdictional parallel litigation proceedings against the sellers

## Hospitality and Leisure

- Represented a US hotel chain in an ICC arbitration in London against a Brazilian entity concerning the development of a resort in Brazil
- Represented the owner of horse race tracks in Colombia, Panama, the Dominican Republic and Puerto Rico in an AAA arbitration against a betting company
- Represented a US beverage company in an ICC arbitration venued in Chile against a licensee in South America for breach of a license agreement
- Represented a US beverage company in an ICC arbitration against a Mexican licensee

- Represented an international passenger cruise line in an ICDR-administered arbitration arising from investments made, and a private port of call, in the Dominican Republic

## Intellectual Property and Other

- Represented the Consejo de Defensa del Estado de la República de Chile in a pre-action 28 U.S.C. 1782 proceeding to solicit discovery in aid of criminal cases filed in Chile against former President Augusto Pinochet
- Represented an Argentinean investor in a dispute against Spanish and Argentinean shareholders in connection with a coffee shop franchise business in Argentina, Spain and other European countries
- Represented a US manufacturer of machinery and its subsidiary in Spain before the Spanish courts in a dispute against their distributor in several European and Latin American countries over termination of an agreement, recovery of debt, breach of trademark rights, unfair trading and unlawful advertising
- Represented a Brazilian media firm in a dispute against a Spanish distributor in connection with film intellectual property rights held by a Brazilian firm

## Manufacturing

- Represented Argentinean and BVI joint venturers in an ICDR arbitration concerning greenfield manufacturing plants in Argentina and Colombia and associated South American distribution rights
- Defended a video compression equipment manufacturer in a federal lawsuit brought by an Argentina-based distributor over loss of contracts throughout Mercosur
- Represented a Korean electronics manufacturer's US sales company in an ICC dispute brought by its Ecuadorian distributor and subsequent litigation to enforce the arbitral award against the distributor
- Represented an Ecuador-based multinational in an ICDR arbitration and related litigation concerning the prospective sale of a consumer-products franchise
- Represented a US-based equipment distributor in an ICC arbitration against its Mexican logistics company

## FOR MORE INFORMATION

This document represents an overview of our international dispute resolution practice in Latin America. It is not intended to be exhaustive of our relevant experience but to serve as an introduction to this practice.

For advice on dispute resolution matters in Latin America, please contact:

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DLA Piper was recently recognized as a leading firm for international arbitration, after the global Arbitration Review (GAR) unveiled its annual rankings of the world's most active arbitration practices, with its GAR 30 DLA Piper was a new entry this year and ranked 21st.

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